IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1657 OF 2005

Dattatraya Narayan Mule ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.J.B. Kocheta, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

28th March 2005

P.C.:

. Heard Counsel for the parties. Perused the record. The prosecution case is that the Applicant strangulated his wife, who succumbed to that assault. The prosecution relies on the medical evidence which indicates that the probable cause of death is due to cardio-respiratory failure and asphyxia due to

strangulation. Indeed, the doctor has also recorded that the final opinion regarding the cause of death will be given after the report of chemical analysis of viscera, which was sent for chemical analysis. The viscera report has now been received, which indicates consumption of Thimet which must have resulted in the deathof the deceased. Taking clue from the said report, it is argued that the prosecution theory of strangulation is belied by the viscera report. Indeed, the viscera report would indicate that the deceased died because of consumption of Thymet. The fact remains that the post mortem report clearly supports that the death of the Applicant’s wife was due to strangulation. The argument that there are some overwritings in the post mortem report so as to doubt the authenticity thereof, in my opinion, is a matter for trial. Similarly, merely because the viscera report indicates consumption of Thymet as a result of which death has been caused by itself does not rule out the possibility of death due to strangulation, which is substantiated by the medical evidence on record. In my opinion, all these questions will have to be considered at the

trial and, as there is material to indicate the complicity of the Applicant, if the medical report was to be accepted as it is, not a case for bail, in view of the seriousness of the offence. Hence, dismissed.

. As prayer for bail is rejected, the trial Court is directed to dispose of the trial on expeditious basis as High Court Expedited Case.

(A.M.KHANWILKAR,J.)